

1 THE HONORABLE THOMAS S. ZILLY
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 BUNGIE, INC.,

10 Plaintiff,

11 v.

12 AIMJUNKIES.COM; PHOENIX DIGITAL
13 GROUP, LLC; DAVID SCHAEFER; JORDAN
14 GREEN; JEFFREY CONWAY AND JAMES
15 MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.'S
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:
July 7, 2023

16 At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix
17 Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively,
18 “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated
19 Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal
20 references to Exhibits E (Dkt. No. 103) and F (Dkt. No. 104) to the Declaration of Christian W.
21 Marcelo in Support of Bungie’s Motion for Discovery Sanctions and to Compel Discovery
22 Responses (“Marcelo Decl.”) that are made in Bungie’s Supplemental Briefing in Support of
23 Spoliation Sanctions Under Fed. R. Civ. P. 37(e) (the “Motion”).

24 A party may file a document under seal without prior court approval “[i]f the party files a
25 motion or stipulated motion to seal the document . . . at the same time the party files the sealed
26 document.” LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the

PLAINTIFF'S MOT. TO FILE UNDER SEAL
(No. 2:21-cv-811) – 1

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parties met and conferred about the need to file the document under seal, the ability to minimize the material filed under seal, and the possibility of exploring alternatives to filing under seal. LCR 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file confidential documents it obtained from another party in discovery may file a motion to seal but need not provide a specific statement of the applicable legal standard and the reasons for keeping a document under seal. LCR 5(g)(3)(B).

Here, Bungie has already filed Exhibits E and F to the Marcelo Declaration under seal in connection with its Motion for Discovery Sanctions and to Compel Discovery Responses (Dkt. No. 101). These exhibits were designated as Confidential by Defendants, and Bungie refers to those exhibits in the Motion. Bungie has an obligation to maintain the confidentiality of this information under the Stipulated Protective Order in this case and the virtually identical order in the arbitration proceeding. The parties corresponded regarding the need to file these exhibits under seal prior to Bungie’s March 30, 2023 filing of its Motion for Discovery Sanctions and to Compel Discovery Responses (Dkt. No. 101).

A proposed order accompanies this motion.

Dated: July 7, 2023

By: s/William C. Rava

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PLAINTIFF'S MOT. TO FILE UNDER SEAL
(No. 2:21-cv-811)-2

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